

CITY-COUNTY GENERAL ORDINANCE NO. 70, 1981  
METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 81-AO-4

AMENDMENT TO  
CENTRAL BUSINESS DISTRICT  
ZONING ORDINANCE  
OF  
MARION COUNTY, INDIANA  
(Ordinance 64-AO-1)

METROPOLITAN DEVELOPMENT COMMISSION

1981

Officially Adopted  
August 3, 1981

CITY-COUNTY GENERAL ORDINANCE NO.  
METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 81-AO-4

AN ORDINANCE to amend Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County, Indiana, and fixing a time when the same shall take effect.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY-COUNTY  
COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION  
COUNTY, INDIANA

Section 1. That Marion County Council Ordinance No. 8-1957 adopted by the Marion County Council on March 28, 1957, and the Central Business District Zoning Ordinance of Marion County, Indiana (Ordinance 64-AO-1) adopted as an amendment thereto, pursuant to Chapter 283 of the Indiana Acts of 1955, as amended, and Chapter 173 as the Indiana Acts of 1969, be amended as follows:

That Chapter II, sections 2.01 (B)(1), 2.02 (A) and (B)(1)(b), and 2.03 (A)(8) and (B) (1) of said CENTRAL BUSINESS DISTRICT ZONING ORDINANCE of Marion County, Indiana (Ordinance 64-AO-1) be amended to read as follows:

SECTION 2.01 CENTRAL BUSINESS DISTRICT ONE (CBD-1) REGULATIONS

A. PERMITTED CBD-1 USES

The following uses shall be permitted in the Central Business District One. All uses in the Central Business District One shall conform to the CBD-1 Development Standards (section 2.01, B hereof) and CBD-1 Performance Standards (section 2.01, C hereof).

1. RETAIL SALES AND SERVICE ESTABLISHMENTS.
2. BUSINESS, PROFESSIONAL, AND CONSUMER SERVICE OFFICES.
3. APARTMENT HOTELS, HOTELS, MOTOR HOTELS.
4. APARTMENTS.
5. TRANSPORTATION FACILITIES and accessory facilities therefor, including but not limited to, waiting rooms, loading docks, storage and associated commercial uses.
6. BANKS; SAVINGS AND LOAN OFFICES.
7. THEATRES, AUDITORIUMS AND AMUSEMENT FACILITIES.
8. PUBLIC UTILITIES.
9. PRINTING ESTABLISHMENTS.
10. SALES OF BEVERAGES, FLOWERS AND FOOD FROM CARTS ON SIDEWALKS AND PUBLIC AREAS.

11. SALES OF BEVERAGES, FLOWERS AND FOOD FROM A PORTION OF THE SIDE-WALK ABUTTING THE SAME BUSINESS PREMISES.
12. OFFICES, SALES AND DISPLAY ROOMS for wholesalers, distributors, warehousemen, and manufacturers' agents, including stock, accessory storage, and/or warehouse space, provided:
  - a. said accessory stock, storage and warehouse space does not exceed seventy-five (75) percent of the total net floor area of the combined office, sales, display, and accessory storage and warehouse space, used in the same building by the same firm or enterprise; and
  - b. in no case shall more than twenty-five (25) percent of the total net floor area in any single building be devoted to such accessory stock, storage and warehouse space.

(In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous buildings shall be considered as one building.)
13. PROCESSING OR MANUFACTURING OF GOODS BY RETAILERS AND WHOLESALERS, provided:
  - a. the net floor area occupied by said processing or manufacturing plus storage and warehouse space does not exceed seventy-five (75) percent of the total net floor area used in the same building by the same firm of enterprise; and
  - b. in no case shall more than twenty-five (25) percent of the total net floor area in any single building be devoted to such processing, manufacturing, storage and warehouse space.

(In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous buildings shall be considered as one building.)
14. PUBLIC AND SEMIPUBLIC STRUCTURES, PARKS AND OPEN SPACE.
15. OFF-STREET PARKING LOTS.
16. OFF-STREET PARKING GARAGES, and accessory uses and facilities therefor, provided the lot obtains access only from one or more of the following streets:
  - a. New York Street, Maryland Street, Capitol Avenue, Delaware Street.
  - b. East Washington Street between Pennsylvania Street and Delaware Street; or West Washington Street between Illinois Street and Capitol Avenue.
  - c. East Ohio Street between Pennsylvania Street and Delaware Street; or West Ohio Street between Illinois Street and Capitol Avenue.
  - d. North Pennsylvania Street between Ohio Street and New York Street; or West Ohio Street between Illinois Street and Capitol Avenue.

e. North Illinois Street between Ohio Street and New York Street; or South Illinois Street between Maryland Street and Washington Street.

f. Virginia, Massachusetts, Kentucky and Indiana Avenues.

On lots obtaining access from any other street within the CBD-1 District (excepting Monument Circle) off-street parking garages shall be permitted by SPECIAL EXCEPTION only, upon issuance of a SPECIAL EXCEPTION PERMIT therefor by the Metropolitan Board of Zoning Appeals as set forth in section 2.05.

17. ACCESSORY OFF-STREET PARKING WITHIN BUILDINGS, anywhere within the CBD-1, provided:

a. the gross floor area devoted to off-street parking, including access drives and maneuvering space, does not exceed twenty-five (25) percent of the total gross floor space of the building in which said off-street parking is located; and

b. said off-street parking shall be incidental and accessory to the primary use or uses of the building in which said off-street parking is located.

18. SIGNS, (as primary or accessory uses), as regulated in section 2.04.

19. DRIVE-IN SERVICES (not including goods and food) shall be permitted in the CBD-1 by SPECIAL EXCEPTIONS only upon issuance of a SPECIAL EXCEPTION PERMIT therefor by the Metropolitan Board of Zoning Appeals as set forth in section 2.05. (Drive-in establishments offering goods or food to customers waiting in cars shall not be permitted.)

## B. CBD-1 DEVELOPMENT STANDARDS

1. USE
  - a. All sales, servicing, processing, manufacturing and storage shall be conducted within completely enclosed buildings, except that the display and/or sale of merchandise may be conducted on open space on the lot, if such open space is located within or is enclosed on three or more sides by the outer dimensions of the building.
  - b. Retail sales of beverages, flowers and food may be carried out on a portion of the sidewalk abutting the same business premises if Regional Center approval is obtained and permission is secured from the appropriate governmental unit to use the right-of-way. A detailed site plan showing the use and location of all furniture and equipment (including tables, barriers, chairs, signs, awnings, trash receptacles and umbrellas) on the portion of the sidewalk, the color and design of such furniture and equipment and the movement of people on the portion of the sidewalk must be approved by the Administrator of the Division of Planning and Zoning.
  - c. Retail sales of beverages, flowers and food may be carried out from a cart (a wheeled device, not propelled by a motor, no larger (exclusive of canopy) than six (6) feet in length, three (3) feet in width and five (5) feet in height, constructed so an operator may not stand on or in the device) on sidewalks and public areas, if permission is secured from the appropriate governmental units to use the right-of-way and public areas. The color and design of the cart (including signs, trash receptacles and umbrellas) and the uniform of the operator must be approved by the Administrator of the Division of Planning and Zoning.

## SECTION 2.02 CENTRAL BUSINESS DISTRICT TWO REGULATIONS

### A. PERMITTED CBD-2 USES

The following uses shall be permitted in the Central Business District Two. All uses in the Central Business District Two shall conform to the CBD-2 Development Standards (section 2.02, B hereof) and CBD-2 Performance Standards (section 2.02, C hereof).

1. RETAIL SALES AND SERVICE ESTABLISHMENTS.
2. BUSINESS, PROFESSIONAL AND CONSUMER SERVICE OFFICES.
3. APARTMENT HOTELS, HOTELS, MOTOR HOTELS.
4. APARTMENTS.
5. TRANSPORTATION FACILITIES and accessory facilities therefor, including but not limited to waiting rooms, loading docks, storage and associated commercial uses.
6. BANKS; SAVINGS AND LOAN OFFICES.
7. THEATRES, AUDITORIUMS AND AMUSEMENT FACILITIES.
8. PUBLIC UTILITIES.
9. PRINTING ESTABLISHMENTS.
10. SALES OF BEVERAGES, FLOWERS AND FOOD FROM CARTS ON SIDEWALKS AND PUBLIC AREAS.
11. SALES OF BEVERAGES, FLOWERS AND FOOD FROM A PORTION OF THE SIDEWALK ABUTTING THE SAME BUSINESS PREMISES.
12. WHOLESALE AND WAREHOUSING ESTABLISHMENTS.
13. PROCESSING, REPAIRING, OR MANUFACTURING GOODS BY RETAILERS AND WHOLESALERS, provided:
  - a. the net floor area occupied by said processing, repairing, or manufacturing plus storage and warehouse space does not exceed seventy-five (75) percent of the total net floor area used in the same building by the same firm or enterprise; and
  - b. in no case shall more than fifty (50) percent of the total net floor area in any single building be devoted to such processing, repairing, manufacturing, storage and warehouse space.

(In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous buildings shall be considered as one building.)
14. PUBLIC AND SEMIPUBLIC STRUCTURES, PARKS AND OPEN SPACE.

15. OFF-STREET PARKING GARAGES AND LOTS.
16. ACCESSORY OFF-STREET PARKING WITHIN BUILDINGS.
17. SIGNS, (as primary or accessory uses), as regulated in section 2.04.

B. CBD-2 DEVELOPMENT STANDARDS

1. b. OUTDOOR SALES AND SERVICE.

- (1) Outdoor sales may be conducted in association with outdoor displays.
- (2) Outdoor sales and service to customers waiting in parked cars (drive-in services) shall be permitted provided:
  - (a) Service is not construed to mean manufacturing, processing, or repairing, dismantling, or wrecking of vehicles, machinery, equipment.
  - (b) Outdoor space is not utilized for the rental, sale, or storage of motor vehicles or trailers.
  - (c) The area on which outdoor service is conducted shall be surfaced and maintained under the standards set forth in section 2.02, B 3, b, (2), (3), (4) and (5).

c. RETAIL SALES ON SIDEWALK ABUTTING A BUSINESS

- (1) Retail sales of beverages, flowers and food may be carried out on a portion of the sidewalk abutting the same business premises provided:
  - (a) Regional Center approval is obtained.
  - (b) Permission is secured from the appropriate governmental unit to use the right-of-way.
  - (c) A detailed site plan showing the use and location of all furniture and equipment (including tables, barriers, chairs, signs, awnings, trash receptacles and umbrellas) on the portion of the sidewalk, the color and design of such furniture and equipment and the movement of people on the portion of the sidewalk is approved by the Administrator of the Division of Planning and Zoning.

d. RETAIL SALES FROM CARTS ON SIDEWALK AND PUBLIC AREAS

- (1) Retail sales of beverages, flowers and food may be carried out from a cart on sidewalks and public areas provided:
  - (a) The cart is a wheeled device, not propelled by a motor, no larger (exclusive of a canopy) than six (6) feet in length, three (3) feet in width and five (5) feet in height and constructed so an operator may not stand on or in the device.

- (b) Permission is secured from the appropriate governmental units to use the right-of-way and public areas.
- (c) The color and design of the cart (including signs, trash receptacles and umbrellas) and the uniform of the operator are approved by the Administrator of the Division of Planning and Zoning.

## SECTION 2.03 CENTRAL BUSINESS DISTRICT THREE (CBD-3) REGULATIONS

### A. PERMITTED CBD-3 USES

The following uses shall be permitted in the Central Business District Three. All uses in the Central Business District Three shall conform to the CBD-3 Development Standards (section 2.03, B hereof) and CBD-3 Performance Standards (section 2.03, C hereof).

#### 8. RETAIL SALES AND SERVICE ESTABLISHMENTS primarily for the convenience of residents or employees of this district, provided:

- a. such establishments (except for sales of beverages, flowers and food from carts) shall be located within buildings principally used for office, apartment, hotel or off-street parking uses, and
- b. such establishments shall include any of the following or similar uses of a like nature or character:

barber shop  
beauty shop  
shoe repair shop  
cleaners and laundry outlet  
drug store  
laundromat  
grocery store  
delicatessen  
restaurant  
gift shop

florist  
book store  
stationery store  
bank, savings and loan office  
ticket office  
jewelry store  
men's and women's wear  
bar, cabaret, night club  
newsstand  
sales of beverages, flowers and food  
from carts

### B. CBD-3 DEVELOPMENT STANDARDS

- 1. USE
  - a. All business and retail enterprise shall be conducted within completely enclosed buildings.
  - b. Drive-in establishments offering goods, food or services to customers waiting in cars shall not be permitted.
  - c. Retail sales of beverages, flowers and food may be carried out from a cart (a wheeled device, not propelled by a motor, no larger (exclusive of canopy) than six (6) feet in length, three (3) feet in width and five (5) feet in height, constructed so an operator may not stand on or in the device) on sidewalks and public areas, if permission is secured from the appropriate governmental units to use the right-of-way and public areas. The color and design of the cart (including signs, trash receptacles and umbrellas) and the uniform of the operator must be approved by the Administrator of the Division of Planning and Zoning.

SECTION 2.06     DEFINITIONS

PUBLIC AREA	Land owned or controlled by a governmental unit for public use, including but not limited to sidewalks, plazas and parks.
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SECTION 2. SEVERABILITY

If any section, subsection, paragraph, subparagraph, clause, phrase, word, provision, or portion of this ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this ordinance as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion so held to be unconstitutional or invalid.

NOW BE IT FURTHER ORDAINED that this ordinance shall be in full force and effect from and after this date.

CITY-COUNTY COUNCIL OF INDIANAPOLIS  
AND OF MARION COUNTY, INDIANA

\_\_\_\_\_  
President (or Presiding Officer)

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
(Clerk)